

IN THE SUPREME COURT FOR THE STATE OF ALASKA

THE ALASKA CENTER EDUCATION
FUND, ALASKA PUBLIC INTEREST
RESEARCH GROUP, and FLOYD
TOMKINS,

Petitioners,

v.

GAIL FENUMIAI, in her official capacity as
the Director of the Alaska Division of
Elections, KEVIN MEYER, in his official
capacity as the Lieutenant Governor of Alaska;
and THE STATE OF ALASKA, DIVISION
OF ELECTIONS,

Respondents.

Case No.: 3AN-20-08354 CI

Supreme Court Case No.: S-_____

MOTION TO ACCEPT OVERLENGTH PETITION FOR REVIEW

Petitioners, the Alaska Center Education Fund, Alaska Public Interest Research Group, and Floyd Tomkins respectfully request that the Court accept the attached overlength petition for review under Alaska Rule of Appellate Procedure 503(a). This request is warranted by the significance of the case—which concerns the fundamental right to vote and the constitutionally-protected due process of law—and the proximity of the 2020 General Election, in which these rights will be at issue for all Alaska voters and impacted by Respondents’ challenged practices.

The petition for review presents significant issues of constitutional law that require analysis of both the *Anderson-Burdick* test for evaluating an undue burden on the right to vote claim, as well as analysis of the *Mathews v. Eldridge* factors for evaluating procedural due process claims. In addition, this case necessitates careful consideration of this Court's prior precedents that require construing statutes to preserve a voter's intent in a way that avoids disenfranchising a voter because of mere mistakes. Given the timeframe, there will be no opportunity to provide any additional briefing before the 2020 General Election, and thus Petitioners have provided a fulsome analysis of the Superior Court's ruling from the bench and the legal issues presented for consideration in this Petition. Finally, the ruling of the Superior Court—made from the bench last Thursday—requires a more in-depth analysis and recounting of both the facts and legal claims presented than might otherwise be required.

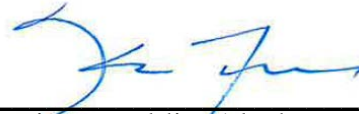
For these reasons, Petitioners respectfully request that this Court accept the 32-page petition, which exceeds the 15-page limit normally set under by Appellate Rule 403(b)(2). The Superior Court denied the preliminary injunction on October 15, 2020 and Petitioners, Respondents, and all Alaska voters have an interest in full and immediate review by this Court.

Petitioners request the Court grant this motion and accept the overlength

petition for review as filed.

DATED: October 19, 2020.

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